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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,596	07/03/2003	William A. McCarty	KSCII.007CP1	7258

20995 7590 04/11/2007  
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EXAMINER	
REGO, DOMINIC E	

ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/11/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/11/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/613,596

Applicant(s)

MCCARTY ET AL.

Examiner

Dominic E. Rego

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 15-35, 67-75 and 81-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15-35, 67-75 and 81-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/2006</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because they are clearly informal, formal drawings are required. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990).**

**Regarding claim 1,** Schaeffer, Jr. teaches an apparatus for receiving an audio signal via a powerline network (Paragraphs 0018, 0021, 0096, and 0097), the apparatus comprising:

a housing (Paragraph 0076: Schaeffer teaches a stereo system 90 having various components such as a receiver which have housing);

a powerline module located in the housing and configured to convert a powerline signal received via a powerline network into a combined signal (*Paragraphs 0018,0021,0050,0060 and 0076: Schaeffer teaches FIG. 6 shows a stereo system 90 having various components such as a receiver, amplifier, etc. The stereo system 90 has disposed inside it an embedded powerline access portal 92. The embedded powerline access portal 92 is coupled directly to a power cord 94 that is plugged into wall socket 96. The stereo system is transmitting audio data to remote speakers 98 and 100. Remote speaker 98 includes embedded powerline access portal 102, which is coupled to power cord 104, which is plugged into wall socket 106. Remote speaker 100 includes embedded powerline access portal 108, which is coupled to power cord 110, which is plugged into wall socket 112*);

a receiver module located in the housing and configured to extract a control signal and an audio signal from the converted combined signal, the receiver module manipulating the audio signal based on the extracted control signal (See figure 6; *Paragraphs 0018,0021,0050,0060 and 0076: Schaeffer teaches stereo system 90 which has receiver and configured to receive a combined signals such as computer network data, audio data (audio signal), video data, control signals from the powerline and transmitting audio data(audio signal) to remote speakers 98 and 100*);

a plug coupled to the housing and configured for insertion into an electrical receptacle (*Paragraph 0076: Schaeffer teaches FIG. 6 shows a stereo system 90 having various components such as a receiver, amplifier, etc. The stereo system 90 has disposed inside it an embedded powerline access portal 92. The embedded powerline access portal 92 is coupled directly to a power cord 94 that is plugged into wall socket 96*);

a power supply in the housing, coupled to the plug and configured to distribute electrical energy to the receiver module (*Paragraph 0076: Schaeffer teaches FIG. 6 shows a stereo system 90 having various components such as a receiver, amplifier, etc. The stereo system 90 has disposed inside it an embedded powerline access portal 92. The embedded powerline access portal 92 is coupled directly to a power cord 94 that is plugged into wall socket 96*);

and an output wire configured to couple the housing to an output device (*Paragraph 0076: Schaeffer teaches FIG. 6 shows a stereo system 90 having various components such as a receiver, amplifier, etc. The stereo system 90 has disposed*

*inside it an embedded powerline access portal 92. The embedded powerline access portal 92 is coupled directly to a power cord 94 that is plugged into wall socket 96. The stereo system is transmitting (outputting) audio data to remote speakers 98 and 100).*

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2 and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341).**

Regarding claim 2, Schaeffer, Jr. teaches all the claimed elements in claim 1, except for the apparatus, wherein the housing further incorporates an address switch configured for selecting an address from a plurality of addresses.

However, in related art, Takahashi teaches the apparatus, wherein the housing further incorporates an address switch configured for selecting an address from a plurality of addresses (Col 2, line 12-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Takahashi to Schaeffer, Jr. in order to transfer the audio signal to selected destination.

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**Regarding claim 32 and 33**, the combination of Schaeffer, Jr. and Takahashi teach all the claimed elements in claim 2, except the apparatus, wherein the control signal is in an I<sup>2</sup>C format and the audio signal is in an inter IC sound (I<sup>2</sup>S) format.

The examiner, however, takes official Notice that the apparatus, wherein the control signal is in an I<sup>2</sup>C format and the audio signal is in an inter IC sound (I<sup>2</sup>S) format is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schaeffer, Jr. such that the apparatus, wherein the control signal is in an I<sup>2</sup>C format and the audio signal is in an inter IC sound (I<sup>2</sup>S) format so that audio signal can extract properly from combine signal and transmit to the speaker for playing.

**Regarding claims 34 and 35**, the combination of Schaeffer, Jr. and Takahashi teach all the claimed elements in claim 2. In addition, Schaeffer teaches the apparatus, wherein the output device is a loudspeaker (See figure 6, loudspeakers 98 and 100). Schaeffer fails to disclose that the apparatus, wherein the output device is a headphone.

The examiner, however, takes official Notice that the output device is a headphone is known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schaeffer, Jr. such that the output device is a headphone, in order to enjoying the music without disturbing others.

**6. Claims 3,30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) and further in view of Robbin et al. (US Patent Application Publication #20030095096).**

Regarding claims 3,30 and 31, the combination of Schaeffer, Jr. and Takahashi teach all the claimed elements in claim 2, except for the apparatus, wherein the housing further incorporates a power switch configured to select an off state or on state for the receiver module.

However, in related art, Robin teaches the apparatus, wherein the housing further incorporates a power switch configured to select an off state or on state for the receiver module (Paragraph 0038).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Robbin to Schaeffer and Takahashi in order to lit the light on or off state when the receiver module receive the transmitted signals from the transmitter.

**7. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) and further in view of Yang et al. (US Patent #6,445,369).**



**Regarding claim 4**, the combination of Schaeffer, Takahashi, and Robbin teach all the claimed elements in claim 3, except for the apparatus, wherein the housing further, incorporates an amplifier configured to amplify the audio signal based in part upon the control signal, wherein the power supply is further configured to provide power to the amplifier.

However, in related art, Yang teaches the apparatus, wherein the housing further, incorporates an amplifier configured to amplify the audio signal based in part upon the control signal, wherein the power supply is further configured to provide power to the amplifier (Col 4, line 29-37).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Yang to Schaeffer, Takahashi, and Robbin in order to receive applied signals by the audio speaker.

**Regarding claim 5**, the combination of Schaeffer, Takahashi, Robbin and Yang teach all the claimed elements in claim 4. In addition, Yang teaches the apparatus, wherein the housing further incorporates a light emitting diode power indicator configured to emit light when the power supply is providing electrical energy to the receiver module (Col 3, line 7-17).

**Regarding claim 6**, the combination of Schaeffer, Takahashi, Robbin and Yang teach all the claimed elements in claim 4. In addition, Yang teaches the apparatus, wherein the housing further incorporates a light emitting diode receiver indicator configured to emit light when the receiver module is receiving the combined signal (Col 5, line 33-47).

**8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) in view of Yang et al. (US Patent #6,445,369) and further in view of Inada et al. (US Patent Application Publication #20040097851).**

Regarding claim 7, the combination of Schaeffer, Takahashi, Robbin, and Yang teach all the claimed elements in claim 6, except for the apparatus, wherein the housing further incorporates a Digital Signal Processor (DSP) module configured to manipulate the audio signal based on the extracted control signal.

However, in related art, Inada teaches the apparatus, wherein the housing further incorporates a Digital Signal Processor (DSP) module configured to manipulate the audio signal based on the extracted control signal (Paragraph 0117).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Inada, in the combination of Schaeffer, Takahashi, Robbin, and Yang in order to send the noise free signal to the plurality of the speakers.

**9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application**

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**Publication #20030095096) in view of Yang et al. (US Patent #6,445,369) in view of Inada et al. (US Patent Application Publication #20040097851) and further in view of Kitamura (US Patent Application Publication #20040131193).**

**Regarding claim 8**, the combination of Schaeffer, Takahashi, Robbin, Yang and Inada teach all the claimed elements in claim 7, except for the apparatus, wherein the amplifier is a digital amplifier configured to digitally amplify the audio signal.

However, in related art, Kitamura teaches the apparatus, wherein the amplifier is a digital amplifier configured to digitally amplify the audio signal (Paragraph 0002).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Kitamura, in the combination of Schaeffer, Takahashi, Robbin, Yang and Inada device in order to receive digital sound by the speakers.

10. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) in view of Robbin et al. (US Patent Application Publication #20030095096) in view of Yang et al. (US Patent #6,445,369) in view of Inada et al. (US Patent Application Publication #20040097851) and further in view of Son et al. (US Patent Application Publication #20040062270).**

**Regarding claim 9**, the combination of Schaeffer, Takahashi, Robbin, Yang and

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Inada teach all the claimed elements in claim 7, except for the apparatus, wherein the combined signal includes an address signal which is associated with the output device.

However, in related art, Son teaches the apparatus, wherein the combined signal includes an address signal which is associated with the output device (Paragraph 0027).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Son in the combination of Schaeffer, Takahashi, Robbin, Yang and Inada in order to send the audio signal to the desired destination.

**11. Claims 15-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) and further in view of Vogt et al. (US Patent #5,491,755).**

**Regarding claim 15-24,** the combination of Schaeffer and Takahashi teach all the claimed elements in claim 2, except for the apparatus, wherein the control signals are analog, digital, volume level, balance level, fader level, sub-bass level, destination source, sound processing selection and wherein the audio signal is digital.

However, in related art, Vogt teaches the apparatus, wherein the control signals are analog (Col 1, line 59-Col 2, line 5), volume level, balance level, fader level, sub-bass level (Col 3, line 55-Col 4, line 5), destination source, an address (All the receivers

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includes destination source to send the signals to the different speakers or addresses, so it's inherent), sound processing selection (tone control) (Col 3, line 31-38), and

Wherein the audio signal is digital (Col 1, line 6-9)

Wherein the control signal is an equalizer level (Col 3, line 9-22: All of the symbol description are an equalizer level)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Vogt in the combination of Schaeffer and Takahashi in order to receive desired sound from the speakers.

**12. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) and further in view of Bonke et al. (US Patent #5,661,848).**

**Regarding claim 26 and 27**, the combination of Schaeffer and Takahashi teach all the claimed element in claim 2, except for the apparatus, wherein the control signal is a power on and a power off.

However, in related art, Bonke teaches the apparatus, wherein the control signal is a power on and a power off (Col 11, line 37-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Bonke, in the combination of Schaeffer and Takahashi in order to control the receiver.

**13. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaeffer, JR. et al. (US Patent Application Publication #2003/0062990) in view of Takahashi (US Patent #5,428,341) and further in view of Paschen et al. (US Patent Application Publication #20020135513).**

Regarding claim 28 and 29, the combination of Schaeffer and Takahashi teach all the claimed element in claim 2, except for the apparatus, wherein the control signal is a time delay and a phase delay.

However, in related art, Paschen teaches the apparatus, wherein the control signal is a time delay and a phase delay (Col 6, claim 17).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Paschen in the combination of Schaeffer and Takahashi in order to balance the audio signal to other speakers in the system.

Claims 67-75 and 80-101 are rejected for the same reason as set forth in claims 1-9 and 15-35.

#### ***Response to Arguments***

**14.** Applicant's arguments with respect to claims 1-9,15-35,67-75, and 80-101 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego



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SUPERVISORY PATENT EXAMINER